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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 February 1992, at 10 a.m.

Chairman: Mr. Solt (Hungary)

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The meeting was called to order at 10.30 a.m.

STATEMENT BY THE VICE-PRESIDENT OF THE UNITED STATES OF AMERICA

1. The CHAIRMAN welcomed the Vice-President of the United States of America and invited him to address the Commission.

2. Mr. QUAYLE (Vice-President of the United States of America) said that his nation was built around the simple but compelling idea that all men and women were created equal, that they were endowed by their Creator with inalienable human rights, and that the purpose of government was to protect those rights. It was the power of that idea that bound together the multi-ethnic, multiracial, and multifaceted society known as the United States.

3. While United States practice had sometimes fallen short of its ideals, its efforts to make the American dream a possibility for all had never ceased. For much of the twentieth century, it had sought universal recognition of the primacy of human rights as a vitally important subject in the affairs of nations and a principal concern of statecraft.

4. With unpredictable suddenness, millions of individuals, and captive communities and nations, smothered for generations under the oppressive weight of dictatorship, had become free, free to speak out, to make their own choices and pursue their own goals. In Latin America, democratic pluralism, consent of the governed, and free choice in the market place were the watchwords of a hemispheric awakening. Across Africa, the promise of democracy was ushering out the post-colonial era and empowering the people of Africa peacefully. Throughout the world, people were becoming masters of their own destinies and, by their very freedom, they were reminding the international community that any attempt to create a new world order without taking into account the dignity of the individual was doomed to failure.

5. Across Central and Eastern Europe, human rights had triumphed over Leninist ideology. The Soviet Union no longer existed. The iron will of man had proved more durable than the iron curtain of communism. In a period of three years, the world had witnessed the greatest expansion of human rights since the revolutionary era that had begun with the American Revolution of 1776 and the French Revolution of 1789.

6. The collapse of communism, the end of the cold war and the spread of democracy worldwide had been no accident. The United States and its friends and allies around the world had stood firm, and their principles had prevailed against tyranny, because the people of Central and Eastern Europe, the Baltics and the former Soviet Union had demanded their rights and their freedom. Freedom had prevailed because ordinary citizens had said "no" to the corruption of absolute power over their lives, because the United States and other like-minded nations had been willing to make the sacrifice needed for the human rights revolution that was currently being celebrated.

7. It had been a long and difficult struggle. At times, the United States had been compelled to place less emphasis on human rights concerns in its relations with others. Unfortunately, it had had no choice. In the Second World War, when the Soviet Union under Stalin had become an indispensable ally in the fight against Hitler, no one had questioned the priority of defeating the greater evil of nazism. After that War, when Soviet ambitions for global domination had threatened freedom around the world, standing up to the greater evil of communist aggression had also required some painful compromises. Some Governments had averted scrutiny of their human rights failings by threatening to shift their support to the Soviet camp if the United States had pushed too hard for civil liberties and other democratic practices.

8. The world of 1992 was a different one: no global evil was forcing such distasteful dilemmas upon the United States. The United States currently assumed the promotion of human rights as a fundamental responsibility and believed that the defence of human rights was an international obligation. For there to be a just peace, human rights must be respected.

9. Fortunately, the United States was not alone in that belief. The world community at large stood for human rights and the independence of free nations and recognized that peace and security were closely linked to respect for human rights and national dignity. That was why, when the world's fourth largest army had invaded and terrorized the nation of Kuwait, the Security Council of the United Nations had stood up to Iraq's aggression. That was also why no fewer than 30 countries had contributed to the coalition effort which, after every reasonable alternative short of force had been exhausted, had counter-attacked with military force and achieved the liberation of Kuwait.

10. That extraordinary commitment and sacrifice by the community of nations had not been motivated by a lust for battle or a quest for domination, and the great majority of the forces of the coalition had been withdrawn from Iraq and Kuwait as quickly as they had come. The unifying principle behind that action and its moral basis had been that of freedom, liberty, sovereignty and the dignity of the individual. Iraq's conquest of Kuwait had been an attack on everything that the Commission on Human Rights stood for: an assault on the fundamental human rights of the citizens of an entire country.

11. A year after Kuwait's liberation, the United Nations was seen as a legitimate and effective instrument for the resolution of disputes and the advancement of shared values. A month after the General Assembly of the United Nations had redeemed its credibility by repealing, overwhelmingly, the so-called zionism-is-racism resolution, it was fair to speak of moral suasion and the growing weight of world opinion.

12. The possibilities for advancing human rights were greater than ever before. But, despite all the progress and reasons for optimism, much remained to be done. Massive human rights violations unfortunately continued to occur in many parts of the world. Brutal dictators still inflicted tremendous suffering. Terrorism, sometimes State-sponsored, continued to claim innocent victims.

13. Some of the worst violators of human rights sat in the Commission on Human Rights itself, the very United Nations body charged with promoting and protecting human rights. Some of the States members of the Committee were themselves currently the subject of investigations or special procedures of the Commission. It was unconscionable that the members of the Commission, which were called upon to judge and set an example for others, should include those who mocked the Commission's very principles. He was referring in particular to the Governments of Iraq, Iran and Cuba. The Commission which must set the highest possible standards of fairness, decency and respect for human dignity, should not count among its members States that were themselves grossly violating human rights. It was important to resist the temptation to settle for the lowest common denominator.

14. The Charter of the United Nations set forth a comprehensive view of international peace, linking it with security and human rights. Human rights were not only an important humanitarian and moral issue, but a necessary element in building and maintaining peace and security. Recent experience had also demonstrated that respect for human rights was related to economic prosperity.

15. As history had shown, democratic regimes, while by no means perfect, were the best way to guarantee that human rights would be respected and abuses corrected. That was why the United States firmly supported the democratic revolution currently sweeping the globe. The lessons of history were clear: democracies had the best human rights records, and they produced the greatest wealth for individuals and society as a whole. It was a fact that, in the conflict-ridden twentieth century, no two democracies had waged war against each other.

16. The new emerging world order would emphasize the importance of human rights. It was important to expand the frontiers of political pluralism, tolerance and individual liberty and to help safeguard democracy in those places where it had only recently taken root.

17. The difficulties experienced with democratic advances in countries such as Haiti, Algeria and Romania deserved international concern. Stability was a critical ingredient of democratic progress, and success was never guaranteed. The democratic revolution could not be allowed to falter at the current pivotal moment in history.

18. The United States would always respect the sovereignty of nations. But it would not hesitate to speak the truth about clear violations of civil rights and liberties wherever they might be found and whoever might be responsible. The days when a Government charged with human rights abuses could cite "sovereignty" or "non-interference in internal affairs" as a defence were gone.

19. When the Universal Declaration of Human Rights had been adopted in 1948, many citizens of the United States had believed that it would inaugurate a new era in world affairs. The cold war had forced them to defer their hopes, but they had never lost the faith that, some day, men and women everywhere would be free and had never ceased to believe that liberty was the birthright of

people everywhere, not a privilege reserved for the lucky few. And, when it became necessary to defend freedom through the force of arms, the United States had never turned its back on the call of duty.

20. Mr. SADI TABATABAEE (Islamic Republic of Iran), speaking in exercise of the right of reply, said that the work of the Committee should be directed towards a constructive exchange of views and the common endeavour to promote human rights universally. That was all the more true in the case of dignatories invited to address the Commission.

21. Unfortunately, the Vice-President of the United States did not appear to agree. He had adopted a selective approach against the Islamic Republic of Iran, despite the fact that it ran counter to the theoretical basis of his statement. Moreover, his remarks concerning Iran were not in keeping with the findings of the Special Representative of the Commission in his final report. The Vice-President's statement seemed to betray a sense of political frustration with and hostility towards the Government of Iran.

22. He reminded the Commission that the United States Government had imposed a bloody puppet dictatorship on the Iranian people and had maintained it in power until the Iranians had finally succeeded in toppling it. Organs of the United States Government, including the CIA, had equipped and trained the Shah's secret police and perfected its methods of torture.

23. The Vice-President's selective and politically motivated approach and the statement made by the representative of the United States on agenda item 20 clearly disqualified their Government from adopting a "holier-than-thou" attitude. In view of its self-serving policies, to the detriment of the sovereignty of other Governments, the United States could hardly claim to be a credible defender of human rights.

24. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the Vice-President of the United States had adopted a selective approach to human rights violations in the world. He had referred to the defence by the United States of human rights and fundamental freedoms but he had said nothing at all about the flagrant violation by Israel of the human rights of the Palestinian people in the occupied Palestinian territories. Possibly the Vice-President was unaware of the fact that the State Department of his country annually issued a report on the human rights situation in the occupied territories and that his country's delegation had voted for Security Council resolutions condemning Israel for the violations of those rights. Such a political and selective approach with regard to human rights violations showed a lack of objectivity and rendered the United States position on the world's problems and issues somewhat less than credible.

25. Mr. AL-DOURI (Iraq), speaking in exercise of the right of reply, said that, since the Vice-President of the United States had seen fit to mention Iraq, the Iraqi delegation wished to draw attention to some of the contradictions in his statement.

26. It was a well-known fact that the United States pursued a policy which flagrantly violated human rights and international standards, in which connection he would simply draw attention to a recent article by a United States journalist in Le Nouvel Observateur, published on the occasion of the five-hundredth anniversary of the discovery of America. In the article, having deplored United States activities in Viet Nam and the Middle East, the author stated that the United States had been built on oppression and genocide and endeavoured to impose its ideas on the rest of the world, destroying countries which did not agree with it.

27. That attitude seemed to be present at all political levels, as evidenced by the Vice-President's statement and confirmed by the President of the United States himself in his electoral campaign, when he had asserted that it was necessary to change the political system in Iraq and to impose an economic embargo to that end.

28. The United States had attacked Iraq not to liberate Kuwait or out of a desire to respect human rights and democracy but to ensure the supply of oil and guarantee low energy prices for the American consumer. The Iraqi people nevertheless had remained faithful to their political system and regime, despite all the allegations in the mass media and the machinations of United States intelligence services.

29. The message that the Vice-President had endeavoured to transmit to the third world countries, concerning the new world order he had mentioned, appeared to be that, as press reports had long alleged, the United States was plotting to put an end to any regime that did not submit to its policy.

30. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that the Vice-President of the United States had considered it appropriate to refer to Cuba in his statement and to condemn the Cuban Government for violating principles which his own Government had never respected.

31. History revealed few cases of Governments that had violated human rights so comprehensively, whether in its own country - the drama of the Indians, blacks and Latinos, confined to ghettoes and reservations might be cited - or in many other countries including Cuba, which had been subjected for the past 30 years to an illegal economic, financial and trade blockade and whose leaders had been the object of assassination attempts by the CIA.

32. His delegation fully agreed with the suggestion that countries which flagrantly violated the Charter of the United Nations and international law should be tried for their crimes against humanity and excluded from the Commission. The first candidate for such exclusion must clearly be the United States, which had dropped atomic bombs on Hiroshima and Nagasaki without any military necessity, stolen from Mexico more than half its territory, protected the Governments of Israel and South Africa, dropped tons of chemical and bacteriological bombs on the Vietnamese people and slaughtered thousands of defenceless human beings during its recent invasion of Panama.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1992/48 and Corr.1, E/CN.4/1992/59; E/CN.4/Sub.2/1991/41 and Corr.1, E/CN.4/Sub.2/1991/43)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (continued) (E/CN.4/1992/52 and 65; E/CN.4/1991/56)

33. Mr. UDOH (Nigeria) said that the Constitution of his country prohibited discrimination against individuals or groups on the basis of sex, ethnic origin or religious affiliation, in recognition of the fact that such discrimination inevitably led to discontent and threatened the unity, peace and security of the country. Nigeria was a multi-ethnic and multireligious country where every group, and indeed every individual belonging to every group, enjoyed the freedoms and rights provided for in the international instruments on fundamental human rights.

34. His delegation welcomed the fact that the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities was before the Commission and ready for adoption. It hoped that the declaration would provide a sufficient framework for addressing many aspects of the discrimination against minorities still persisting in some parts of the world, including continuing segregation of some groups on the basis of their descent; public intolerance of immigrants, including refugees; and widespread xenophobia, often leading to attacks on foreigners.

35. Such intolerance had recently gripped many countries in Europe, and was directed against the minority immigrant population. Immigrants, even those who had lived in Europe for decades, were being harassed and discriminated against in the workplace and where they lived. Their children were not free to go to schools or to associate freely with other children, and there was a constant fear of assault, or indeed murder. If not contained, such violence was likely to spill over national boundaries, affecting not only Europe but Asia and Africa, a situation which would endanger current global efforts to obtain peace and security.

36. His delegation wished to express its gratitude to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its work on the issue and, in particular, for the preliminary report submitted by its Special Rapporteur, Mr. Eide, (E/CN.4/Sub.2/1991/43) on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. It endorsed all the recommendations in that report, and especially paragraphs 26 to 36, which dealt with non-discrimination and full participation.

37. Turning to item 20, he noted that the Special Rapporteur, Mr. d'Almeida Ribeiro, had stated in paragraph 168 of his report (E/CN.4/1992/52) that infringement of the right to freedom of religion and belief undermined the integrity of the human person and also threatened the enjoyment of other fundamental human rights and freedoms. His delegation fully agreed. It also believed that efforts should be made to redress the injustices caused by such forms of intolerance as the State-sponsored

repression of certain religions or beliefs, confrontation between followers of different faiths, and selective sanctions against members of certain unfavoured denominations.

38. His delegation's conviction that individual States and the international community as a whole must take more determined and coordinated steps to promote tolerance and prevent discrimination based on religion or belief was strengthened by recent events in international politics, which had demonstrated that Governments violating the rights of their own peoples not only provoked domestic conflict and instability, but jeopardized international peace and security.

39. Ms. FOULDS (United Kingdom) said that the Special Rapporteur's report on implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1992/52) did not make comforting reading, providing as it did a wealth of material which gave a vivid insight into the ways in which religious intolerance manifested itself in all regions of the world. While she did not wish to single out particular countries for censure, it was deeply disturbing to be reminded once again of how many Governments were shamelessly pursuing policies and practices which flouted both the spirit and the letter of the Declaration. In some cases they violated their own laws, and in others the laws themselves were clearly incompatible with the Declaration.

40. As the Special Rapporteur had pointed out, the practice of religious intolerance and discrimination was pernicious, both because it was contrary to the principles enunciated in the Declaration and because it often entailed the infringement of other basic human rights.

41. The picture emerging from the report was, however, not wholly gloomy. For example, paragraphs 172 to 174 drew attention to the continued progress made in the sphere of religious freedom by a number of countries in Eastern and Central Europe. Her delegation warmly welcomed that progress, which presumably reflected the general opening up of those countries to democratic ideas and practices and to a proper respect for the human rights of their citizens. At the same time, there had recently emerged in some of the countries concerned - though not only in those countries and, indeed, not only in Europe - ugly traces of xenophobia and racial or ethnic hostility, which in some contexts had been reinforced by elements of religious animosity.

42. Her delegation fully endorsed the recommendation that full advantage should be taken of the United Nations advisory services to foster tolerance and respect for freedom of religion and belief. It also shared the opinion that the maintenance of inter-faith dialogue was of great importance in overcoming sectarian attitudes and increasing religious tolerance throughout the world.

43. It did not, however, find convincing the Special Rapporteur's suggestion that there might be a need for a binding international instrument on the elimination of intolerance and discrimination based on religion or belief, since it was hard to see what that would contribute to the Universal Declaration of Human Rights or to the relevant provisions of the International

Covenant on Civil and Political Rights, which permitted no derogation from the right of freedom of religion. The priority should be to monitor the implementation of the standards already established.

44. Mr. CHOUDHURY (India) said that secularism and religious freedom were articles of faith for India, and were enshrined in the very preamble to its Constitution. He welcomed the opportunity to reaffirm his Government's commitment to those principles.

45. In his report (E/CN.4/1992/52), the Special Rapporteur had pointed out that the area of religious intolerance was extremely complex in that, while some cases might be a result of deliberate State policy, others might derive from economic, social or cultural tensions or complex historical processes. Given that complexity, the dialogue that he had established with various Governments in no way implied any accusation or value judgement, but rather was intended as a request for clarification with a view to finding solutions to the problem of safeguarding human rights and fundamental freedoms.

46. His delegation fully supported the Special Rapporteur's recommendation in paragraph 192 that States should establish the necessary constitutional and legal guarantees to protect religious freedoms and combat religious intolerance and discrimination. The efficient functioning of democratic institutions and the rule of law were themselves the best guarantees of religious rights and freedoms.

47. India's diversity of culture and religion was illustrated by the fact that some of the world's major religions had come into being in his country and that both Islam and Christianity had reached its shores during the earliest stages of their history. The right to freedom of religion was thus a fundamental concept of the Indian Constitution, which stipulated that all persons were equally entitled to freedom of conscience and the right to profess, practise and propagate religion. Many additional provisions existed to promote tolerance and ensure the religious freedom of the citizens.

48. The right to constitutional remedy was the essence of the enforceability of the fundamental right of religious freedom and, in India, that right was upheld not only by access to the Supreme Court in the event of violations, but by a vigilant press and an informed public opinion. However, despite the efforts of the Government, the explicit provisions of the Constitution and the fact that the Indian people, by and large, adhered to secular principles, instances of communal violence had occasionally occurred as a result of the activities of misguided or anti-social elements. However, even those incidents did not stem from attempts by the followers of one religion to deny by force the practice of another religion.

49. Although vested interests sometimes deliberately tried to exploit law-and-order situations to stir up communal strife, there was a strong public opinion in India against such incidents. The maintenance of law and order in India was the responsibility of the states of the Indian Union, and the Government of India had always impressed upon the various state governments the vital importance of protecting and safeguarding the life and property of each and every citizen irrespective of religion or creed.

50. It had consistently enjoined upon civil servants the duty to ensure that, while carrying out their official functions, they should respect different religions and beliefs. In 1978, the Government had established a Minorities Commission with wide terms of reference to oversee the enforcement of constitutional guarantees, and the Central Government gave financial assistance to voluntary organizations for activities aimed at discouraging communal ill-will and mobilizing public opinion in the cause of religious and communal harmony.

51. Special Courts were functioning in several states of the Union to deal expeditiously with cases of communal offences. The curriculum in schools was specifically aimed at developing tolerance among the young, and government agencies, including the official media, also engaged in numerous activities aimed at encouraging tolerance and religious harmony.

52. Mr. RHENAN-SEGURA (Costa Rica) said that the disquieting manifestations of intolerance, fanaticism and fundamentalism to be seen in various parts of the world, despite the existence of numerous international instruments adopted by the United Nations with a view to their elimination, emphasized the need to find effective ways of implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

53. In his sixth report (E/CN.4/1992/52), the Special Rapporteur had given details of innumerable cases in which people had been imprisoned for the mere fact of expressing their religious beliefs or convictions, and others in which they had been tortured or executed for holding particular views. The sheer numbers of such cases illustrated the urgency with which the international community must approach the task of eliminating such flagrant violations and of ensuring that the spirit of tolerance prevailed in society.

54. The churches themselves should set an example of tolerance towards individuals and groups which did not share their religious convictions. In many countries, citizens sought to impose by force their religious beliefs and a certain personal, social and political outlook. In Eastern Europe, where positive changes had occurred, the active political proselytism being conducted by some churches was a source of concern.

55. The Special Rapporteur's report contained numerous examples of intolerance and fundamentalism within religions as well as frequent cases of religious interference in civil society, thereby creating dangerous political and social tensions. In order to guarantee freedom of religion it was necessary to create an environment of tolerance and respect for human dignity. Also, instead of teaching or promoting a specific religion, religious teaching in primary schools should consist of the history, evolution and main characteristics of the different religions and religious movements in order to promote understanding of fellow human beings and thus combat discrimination, intolerance and fanaticism. Education should stress the importance of tolerance and freedom of religion within the framework of the international instruments in that field. The mass media were also a powerful instrument for promoting tolerance of other religions.

56. Lastly, while the mandate of the Special Rapporteur should be renewed, it should be redefined with a view to the elaboration of suitable mechanisms for combating fanaticism and intransigence. Consideration should also be given to the establishment of an informal open-ended working group to prepare a draft international convention on all forms of intolerance and of discrimination based on religion or belief.

57. Mr. SWIFT (Observer for Ireland) said he noted with regret that not all the Governments contacted had responded to the request of the Special Rapporteur on religious intolerance for comments to be included in Part II of his report (E/CN.4/1992/52). The material in that part of the report gave cause for continuing concern that the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief were far from being universally observed. Failure to observe those provisions undermined the integrity and dignity of the human person and resulted in the violation of rights which were enshrined in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

58. The Special Rapporteur might attempt in future a more analytical presentation of the allegations he received and the related responses from Governments, differentiating between situations of continuing religious persecution, as sanctioned or encouraged by governmental authority, and those more isolated individual incidents which occurred despite the thrust of clearly enunciated government policy.

59. With regard to Part III of the report, while his delegation understood the Special Rapporteur's willingness to detail the various replies to his questionnaire in his reports to the forty-seventh and forty-eighth sessions of the Commission, it considered that the replies merited a more rigorous comparative study with the aim of arriving at more precisely defined and action-oriented conclusions. In the case of Ireland, the direct answers provided by his Government to the Special Rapporteur's precise questions reflected the fact that the provisions of the Declaration were fully respected in the Constitution of Ireland and in Irish legislation.

60. The Special Rapporteur acknowledged in his report that many situations which appeared to have a dimension of religious conflict were in fact deeply rooted in complex historical, political, economic and social factors. That was the case in Northern Ireland. The Governments of Ireland and the United Kingdom were partners in the Anglo-Irish Agreement of 1985, which recognized the identities of the two communities in Northern Ireland and the right of each to pursue its aspirations by peaceful and constitutional means. Both Governments rejected any attempt to promote political objectives by violence. In that connection, the inter-faith dialogue, which the Special Rapporteur had emphasized as being of the greatest importance in overcoming sectarian and intransigent attitudes, was a positive feature of the religious landscape in Northern Ireland.

61. The report noted that most Governments, including the Government of Ireland, did not apply the principle of reciprocity to non-nationals in matters of religion and belief. Like the Special Rapporteur, his delegation was concerned at the continued denial by some Governments of religious

freedoms to non-citizens from countries where such freedoms were observed for all faiths. Religion and belief should be accommodated in the terms of the Declaration on a universal basis, and his delegation hoped that the spread of democratic values would bring the international community closer to a universal culture of religious tolerance.

62. There were unfortunately some who sought to exploit the needs of people by promoting groups which purported to be religious but were, in fact, engaged in dubious, if not illegal practices. The threats posed by such groups, particularly, to the well-being of young people, should not, however, provide Governments with the excuse to prohibit religious worship which was not in accord with narrowly defined State codes of religious practice. The rule of law in a democracy was the surest protection against such excesses. Ireland belonged to the majority of countries which made no distinction in law or administrative practice between religions, religious sects and religious associations.

63. He wished to note the valuable contribution of NGOs to the fulfilment of the Special Rapporteur's mandate, which should be extended for a further three years.

64. Monsignor PIERRE (Observer for the Holy See) said that, while the geopolitical changes in Europe had brought about a dramatic improvement in religious freedom, there were still many countries in which believers were persecuted. It was still dangerous, for example, to manifest one's religious beliefs in one-party States which excluded religious believers from participating in government. In countries in which social life was informed exclusively by a given religion, it was often forbidden to hold "other beliefs". In yet other countries, the State sought to create and manage "national churches", thereby denying their citizens free choice. Such abuses showed that religious freedom remained the touchstone of all other fundamental freedoms.

65. Religious freedom was sometimes also violated when a religious faith went beyond its appropriate sphere of action. While the great religions, including Judaism, Christianity, Islam, and the major religions of Asia, preached charity and tolerance towards other believers, the social and even political importance of some religions in one or another country might lead them to identify with interests that were sometimes far removed from religion and piety.

66. Such identification was unjustifiable in a world in which human rights were universally recognized and in which countries recognized freedom of conscience as the foundation of religious freedom. In countries where a large majority of the population belonged to a certain religion, the rights of other religions should, at the very least, be protected by legislation and practice.

67. The second half of the twentieth century had seen a proliferation of sects and religious groups alongside the so-called traditional religions. That phenomenon was due in part to the profound crises in the historic religions and to the increased possibilities offered by contemporary societies for the expansion of ideas. While such groups sometimes had very brief existences, they frequently gave rise to conflicts with the traditional

religions, the State, or with the families of their members. The Special Rapporteur had taken note of that fact and had accordingly suggested that a distinction should be established between religions, sects and religious associations.

68. The subject was undoubtedly a complex one involving the personal freedom of a number of persons, whose right to think and to associate together was not being called into question, which often affected public order and the rights of other persons. The difficulty could be overcome if the necessary distinction could be established between freedom of religion and freedom of belief. The association between those two realities, as made in the relevant international instruments, particularly the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, did not take their differences sufficiently into account.

69. All the great religions had a community dimension which was often lacking in the case of beliefs. The latter could, indeed, be exclusively personal and to attach equal importance to both would be to deny the transcendent dimension that was inherent in a religion and not necessarily in a belief.

70. In raising the problem, the Holy See in no way sought to reduce the legitimate scope of the fundamental freedoms of thought and belief. Nor did it seek any special privileges, but relied on justice based on genuine democracy in the context of the rule of law. It thought it desirable, however, that any new international instrument concerning religious freedom should pay most careful attention to the distinction between freedom of religion and freedom of belief.

71. Mr. GUIDETTI (Observer for Switzerland) said that religious intolerance often led to a whole series of other human rights violations, the most serious of which were forced disappearances, kidnappings, detention and torture. The denial of the right to proselytize, to convert and to apostatize were equally intolerable, in that they directly affected the very principle of freedom of religion and belief.

72. Governments had a direct responsibility to ensure implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. They must not only see to it that their national legislation was consistent with international standards, but also prevent and take action against the emergence of all forms of religious intolerance. Regrettably, as his report showed (E/CN.4/1992/52) the Special Rapporteur had found numerous cases of Government negligence and even of outright complicity by the authorities and violations committed on their initiative.

73. The problem of religious intolerance often recurred in countries in which one religious group predominated. It was particularly important to ensure respect for the human rights of all religious groups, regardless of their numerical size. Such guarantees were crucial when religious minorities faced communities whose extremist and fanatical opinions were derived from a literal and dogmatic interpretation of certain precepts. Fundamentalism, irrespective of the religion concerned, was the most common source of religious intolerance. To combat that phenomenon, Governments must promote tolerance and intercommunity dialogue.

74. It was vital that States should cooperate with the Special Rapporteur when he reported on alleged violations concerning them and that the cooperation should not be purely formal. Yet, of the 25 States referred to by the Special Rapporteur, only 8 had replied to his requests for information in 1991, Switzerland having done so in January 1992.

75. In fact, in his communication to the Swiss authorities, the Special Rapporteur had expressed concern about the imprisonment of a conscientious objector to military service. In Switzerland, all citizens had, at the time, been bound to perform military service. The person concerned, found guilty of having refused to perform a civic duty, had invoked religious motives to justify his refusal, but not his religious beliefs themselves. Subsequent to that case, as a result of a consultation of the people, new legislation had been introduced in 1991 providing that anyone who, citing basic ethical values, made the case that he would be unable to reconcile military service with the demands of his conscience, was still found guilty, but was sentenced not to prison but to perform public service. Furthermore, it was no longer necessary to prove a serious problem of conscience, and the concept of "basic ethical values" obviously included religious beliefs. His Government did not regard the communications addressed to it by the Special Rapporteur as accusations, but as requests for information to clarify a particular situation concerning human rights and fundamental freedoms.

76. Mr. FERRARIN (Italy) said that it would be useful if future reports could try to provide clarification on the various aspects of religious intolerance, a multifaceted phenomenon that was often an expression of a crisis of modernism and should therefore be examined in the context of the new developments in Europe and elsewhere such as secularism, migration, cultural integration, ethical values and education. In terms of method, it would be useful if the report were divided into two distinct parts, one containing the information transmitted by the various Governments and the other devoted to analysing intolerance and discrimination in terms of freedom of conscience, religion and belief. There was a danger that, by piling up data, the report might well lose sight of the profound significance of the religious revival in certain areas and the "demand" for religion in others. Furthermore, it was not enough to take note of manifestations of intolerance; it was also important to assess their causes and, in particular, their significance. Governments, for their part, must attempt to defuse the causes of religious tension.

77. Aware of the need to defend freedom of religion, his Government had approved a number of laws promoting religious equality. Italy had ratified the relevant international instruments on the elimination of all forms of discrimination and had adopted legislation bringing domestic law into line with its international obligations. At a time in which the world was facing enormous challenges, it was vital to further understanding between religious, ethnic and cultural groups through tolerance, solidarity, mutual respect and justice.

78. Mr. PRIELAIDA (Observer for Lithuania) said that his country had, for 48 years, been deprived of its right to be a Member of the United Nations because of its occupation by the Soviet Union, which had arrogated to itself the right to speak on behalf of a people that it had enslaved, with the complicity of another dictatorship. For 48 years, Lithuania had tried to

express its views in international forums, making its anguish known through a few sympathetic States or non-governmental organizations, but its own voice had always been muffled by that of its occupier, which had greater weight at the international level.

79. His country had once again become a member of the international democratic family through the only weapon it had had available, the desire of the Lithuanian people to be free and independent, and could once again express its views freely. It was gradually acceding to all the international human rights instruments and was adapting its legislation to their standards.

80. Referring to the violation of the rights of peoples in other regions, he said that the Kurdish people continued to be subjected to a systematic process of genocide by Iraqi troops. International protests and even some military actions had not restored to the Kurds the sacred right to life. Tibet continued to fight desperately for national, cultural and religious freedom. The break-up of the Yugoslav empire had not yet resulted in a solution to the question of Kosovo.

81. A few discordant voices had been raised in some small activist circles to denounce alleged discrimination against some minorities in Lithuania, in particular the Russian, Polish and Jewish minorities. As a new State, Lithuania was particularly vulnerable to criticism of that kind because of the composition of its population and it was therefore strictly ensuring the application of the principle of equality for all minorities living in its territory.

82. Under bilateral agreements between Lithuania and Russia, it guaranteed equality of rights to all resident Russians. They were also guaranteed the right to Lithuanian nationality, with the exception of occupation troops of the former Soviet Union. Those troops, which were still stationed in Lithuania, constituted a destabilizing element and a permanent threat to the exercise of national sovereignty. His Government requested the international community to support its call for those troops to leave its territory as rapidly as possible.

83. The Polish minority enjoyed extensive rights, guaranteed by agreements with Poland, in regions with a large Polish majority and had its own schools, churches and cultural centres.

84. The Jews, though only a tiny minority, had played a very important role in Lithuanian history, particularly in Vilnius, where they had left traces of a remarkable cultural heritage. Jewish social centres were in full activity, as were schools and synagogues, and a rabbinical school had just been opened. It was noteworthy that some Jews who had emigrated to Israel were returning to Lithuania. The other minorities, including Byelorussians, Ukrainians, Latvians and Estonians, were perfectly integrated into the circles in which they lived.

85. There were some restrictions on the exercise of civil rights but that limitation applied only to the members of the former police authorities, the central committee of the communist party or the NKVD.

86. Lithuania remained open to any cooperation with the Commission in the event that criticism was expressed in its regard and associated itself unreservedly with the efforts made by the Commission to ensure respect for the International Human Rights Covenants and the Charter of the United Nations.

The meeting rose at 1 p.m.